

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TEAMSTERS LOCAL UNION NO. 523  
(INTERSTATE BAKERIES CORP.)**

**and**

**Case 17-CB-006146**

**KIRK RAMMAGE**

**ORDER<sup>1</sup>**

The Respondent's petition to revoke subpoena duces tecum B-709726 and subpoenas ad testificandum A-955746 and A-955747 is denied as untimely. Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations requires that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena.<sup>2</sup> The subpoenas here were served on the Respondent on July 15, 2013. Thus, the instant petition, which was filed July 25, 2013, is untimely.

In addition, even assuming that the petition was timely filed, it is lacking in merit. The subpoenas seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Respondent has failed to establish any other legal basis for revoking the subpoenas. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9<sup>th</sup> Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4<sup>th</sup> Cir. 1996).

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Sec. 102.31(b) states in relevant part that "[a]ny person served with a subpoena, whether ad testificandum or duces tecum, if he or she does not intend to comply with the subpoena, shall, within 5 days after the date of service of the subpoena, petition in writing to revoke the subpoena. The date of service for purposes of computing the time for filing a petition to revoke shall be the date the subpoena is received."

Dated, Washington, D.C., December 4, 2013.

KENT Y. HIROZAWA,	MEMBER
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HARRY I. JOHNSON, III	MEMBER
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NANCY SCHIFFER,	MEMBER
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